THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:15506 of 2007

DATED:23-07-2007

BETWEEN:

Devaravalasa Toddy Tappers Cooperative Society,
Rep., by its President,
Kolusu Lakshman Rao,
Devaravalasa village,
G.Sigadam mandal,
Srikakulam District.

..... PETITIONER

AND

Toddy Tappers Society,
Rep., by its President,
Golagana Rajababu,
G.Sigadam,
Srikakulam District & 5 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Prohibition & Excise appearing for the respondents.

2. Petitioner seeks a writ of mandamus directing the respondents 2 to 6 to forthwith take all necessary steps to prevent the 1st respondent Society from preventing the members of Chettopodilam, Chandraiahpeta, and Nadimivalasa belonging to the petitioner Society, from taking up toddy tapping activities and ensure that the members from these three villages conduct toddy tapping activities smoothly without any hindrance from the 1st respondent Society.

3. It is the case of the petitioner that the petitioner Society was previously a part and parcel of TCS, G.Sigadam village and mandal, Srikakulam District, and consisting of fortytwo villages but later the said Society has been divided into two societies and twentyeight villages have been allotted to the Society of G.Sigadam and ten villages to the Society of Devaravalasa. It is stated that though the Society has been divided into two separate societies the Toddy Tappers Cooperative Society is interfering with the tapping of trees and the business activities in respect of the three villages, namely Chettopodilam, Chandraiahpeta, and

Nadimivalasa. Hence, the present Writ Petition.

4. I am not inclined to express any opinion as to whether the said three villages are within the area of the petitioner's Society or not, but however, a perusal of the proceedings of the 2nd respondent-Superintendent, Prohibition & Excise, Srikakulam made in Rc.No.624/2006/P & E/C1, dated
14-09-2006, goes to show that pursuant to the representation of the petitioner's Society alleging that the TCS president and members of G.Sigadam Toddy Tappers Society have been making assault for occupation of ten villages intended to the Society of Devaravalasa and obstructing the smooth running of the petitioner's Society, the 3rd respondent-Assistant Prohibition & Excise Superintendent, Srikakulam was instructed to make a thorough enquiry and submit a report to him so as to enable him to take appropriate action in accordance with law. It is stated that the said enquiry report was not at all submitted by the 3rd respondent and no final action has been taken by the 2nd respondent.

5. Having regard to the facts and circumstances, I am of the opinion that there is no justification on the part of the respondents 2 and 3 in keeping the representation of the petitioner pending without completing the enquiry and without taking any final action.

6. Accordingly, Writ Petition is disposed of directing the 3rd respondent to conduct enquiry as directed by the 2nd respondent and submit a report, if not already submitted, and on submission of

the report, 2nd respondent shall take appropriate action after hearing the petitioner as well as the 1st respondent in accordance with law, as expeditiously as possible. No order as to costs.

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V.ESWARAIAH,J

23rd July, 2007.
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